



JFW

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

268

Total Number of Pages in This Submission

442

Application Number	10/666,579
Filing Date	September 17, 2003
First Named Inventor	Henry Kahle
Art Unit	3732
Examiner Name	Doe, Grace S.C.
Attorney Docket Number	A-2845-AL

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO Form SB/08A (3 pages) PTO Form SB/08B (1 page) Copies of 11 references Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David G. Majdali
Signature	
Date	January 13, 2006

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	BARBARA JOHNSON		
Signature		Date	January 13, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Customer No.: 21378
Kahle et al.)
Serial No.: 10/666,579) Attorney Docket: A-2845-AL
Filed: September 17, 2003) Examiner: Doe, Grace S.C.
For: SURGICAL INSTRUMENT ACCESS) Art Unit: 3732
DEVICE)

)

Date of Deposit: Jan 13, 2006

I hereby certify that the following documents as identified below are being deposited with Federal Express Service on the date indicated above in an envelope addressed to United States Patent and Trademark Office, Customer Service Window, Mail Stop Amendments, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

1. Information Disclosure Statement;
2. PTO Form SB/08A (3 pages);
3. PTO Form SB08B (1 page);
4. Copies of eleven (11) references;
5. Transmittal; and
6. Return Receipt Postcard.

Each of the above-identified documents is enclosed herewith.

Respectfully submitted,


Barbara Johnson
Applied Medical Resources Corporation

Customer No.: 21378
Telephone (949) 713-8000
Facsimile (949) 713-8206



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Customer No.: 21378
Kahle et al.)
Serial No.: 10/666,579) Attorney Docket: A-2845-AL
Filed: September 17, 2003) Examiner: Doe, Grace S.C.
For: SURGICAL INSTRUMENT ACCESS) Art Unit: 3732
DEVICE)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Enclosed please find a copy of PTO Forms SB/08a and SB/08B which list information which may be relevant to the prosecution of the above-captioned application. It is requested that this information be considered by the Office.

This Statement is being submitted under the terms of 37 C.F.R. § 1.97(b). The information is being filed before the mailing of a first Office Action on the merits. Therefore, it is believed no fee is due.

Under 37 C.F.R. § 1.97(h), it is understood that filing of the Information Disclosure Statement does not constitute an admission that the information submitted is material to patentability.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any over-payment, to our Deposit Account No. 01-2215.

Respectfully submitted,

David G. Majdali
Attorney for Applicant
Registration No. 53,257

Date: January 13 2006

Customer No.: 21378
Telephone (949) 713-8000
Facsimile (949) 713-8206



Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 3

Complete if Known

Application Number	10/666,579
Filing Date	September 17, 2003
First Named Inventor	Henry Kahle
Art Unit	3732
Examiner Name	Doe, Grace S.C.
Attorney Docket Number	A-2845-AL

U. S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number-Kind Code ² (if known)		Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 1,810,466	06-16-1931	J. Deutsch
		US- 2,305,289	12-15-1942	H. Coburg
		US- 2,835,253	05-20-1958	S.E. Borgeson
		US- 3,111,943	11-26-1963	J.R. Orndorff
		US- 3,244,169	04-05-1966	T.R. Baxter
		US- 3,332,417	07-25-1967	W.F. Blanford et al.
		US- 3,347,226	10-17-1967	H.W. Harrower
		US- 3,347,227	10-17-1967	H.W. Harrower
		US- 3,397,692	08-20-1968	P. Creager, Jr., et al.
		US- 3,416,520	12-17-1968	P. Creager, Jr.
		US- 3,523,534	08-11-1970	J. Nolan
		US- 3,841,332	10-15-1974	Treacle
		US- 3,850,172	11-26-1974	Cazalis
		US- 4,024,872	05-24-1977	Muldoon
		US- 4,043,328	08-23-1977	Cawood, Jr. et al.
		US- 4,188,945	02-19-1980	Wenander
		US- 4,367,728	01-11-1983	Mutke
		US- 4,550,713	11-05-1985	Hyman
		US- 4,553,537	11-19-1985	Rosenberg

FOREIGN PATENT DOCUMENTS				
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)		Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		WO 95/24864	09-21-1995	Heaven et al.
		WO 95/27468	10-19-1995	Leahy et al.
		WO 2004/075930 A2/A3	09-10-2004	Dulak et al.
		WO 2004/075730 A2/A3	09-10-2004	Hart et al.
		WO 2004/075741 A2/A3	09-10-2004	Pingleton et al.
		WO 99/25268	05-27-1999	Bonodio

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/666,579
Filing Date	September 17, 2003
First Named Inventor	Henry Kahle
Art Unit	3732
Examiner Name	Doe, Grace S.C.

Sheet 2 of 3

Attorney Docket Number A-2845-AL

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 4,777,943	10-18-1988	Chvapil	
		US- 4,903,710	02-27-1990	Jessamine et al.	
		US- 4,926,882	05-22-1990	Lawrence	
		US- 4,991,593	02-12-1991	LeVahn	
		US- 4,998,538	03-12-1991	Charowsky et al.	
		US- 5,037,379	08-06-1991	Clayman et al.	
		US- 5,178,162	01-12-1993	Bose	
		US- 5,299,582	04-05-1994	Potts	
		US- 5,316,541	05-31-1994	Fischer	
		US- 5,514,133	05-07-1996	Golub et al.	
		US- 5,562,677	10-08-1996	Hildwein et al.	
		US- 5,640,977	06-24-1997	Leahy et al.	
		US- 5,653,705	08-05-1997	de la Torre et al.	
		US- 5,672,168	09-30-1997	de la Torre et al.	
		US- 5,813,409	09-29-1998	Leahy et al.	
		US- 4,863,438	09-05-1989	Gauderer et al.	
		US- 5,522,791	06-04-1996	Leyva	
		US- 5,728,103	03-17-1998	Picha et al.	
		US- 5,792,119	08-11-1998	Marx	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

Complete if Known**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
*(Use as many sheets as necessary)*Sheet **3** of **3**

Application Number	10/666,579
Filing Date	September 17, 2003
First Named Inventor	Henry Kahle
Art Unit	3732
Examiner Name	Doe, Grace S.C.
Attorney Docket Number	A-2845-AL

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 5,810,721	09-22-1998	Mueller et al.	
		US- 5,841,298	11-24-1998	Huang	
		US- 6,908,430 B2	06-21-2005	Caldwell et al.	
		US- 2004/0267096 A1	12-30-2004	Caldwell et al.	
		US- 2004/0015185 A1	01-22-2004	Ewers et al.	
		US- 2005/0020884 A1	01-27-2005	Hart et al.	
		US- 6,945,932	09-20-2005	Caldwell et al.	
		US- 5,906,577	05-25-1999	Beane et al.	
		US- 5,853,395	12-29-1998	Crook et al.	
		US- 5,524,644	06-11-1996	Crook	
		US- 6,149,642	11-21-2000	Gerhart et al.	
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/666,579
				Filing Date	September 17, 2003
				First Named Inventor	Henry Kahle
				Art Unit	3732
				Examiner Name	Doe, Grace S.C.
Sheet	1	of	1	Attorney Docket Number	A-2845-AL

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
		NEIL SHEEHAN, Supplemental Expert Report of Neil Sheehan Re: U.S. Patent No. 5,741,298, dated August 9, 2005, The United States District Court for the Central District of California, Civil Action No. SACV 03-1322 JVS (MLGx)			
		HORIGANE, ET AL., Technical Note: Development of a Duodenal Cannula for Sheep, Journal of Animal Science, April, 1992, Volume 70, Issue 4, Pages 1216-1219			
		HORIGANE, ET AL., Silicone Rumen Cannula with a Soft Cylindrical Part and a Hard Flange, Journal of Dairy Science, November, 1989, Volume 72, Number 11, Pages 3230-3232			
		MCSWEENEY, Cannulation of the Rumen in Cattle and Buffaloes, Australian Veterinary Journal, August, 1989, Volume 66, Number 8, Pages 266-268			
		YAMAZAKI ET AL., Diurnal Changes in the Composition of Abomasal Digesta in Fasted and Fed Sheep, The Tohoku Journal of Agricultural Research, Mar 1987, Vol 37, No 3-4, P 49-58			

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.